IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3217 OF 2005

Shri Yusuf Jaffer Mulla .. Petitioner.
Vs.
Mrs.Shagupata Yusuf Mulla .. Respondent.

Ms.Smita Mane for the petitioner.
Mr.Rajesh More for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 14TH JUNE, 2006

P.C.:

. Heard learned counsel for the parties.

2. In this writ petition, the petitioner has impugned exparte judgment and order passed by the court below allowing the application of the respondent-wife under section 125 of the Code of Criminal Procedure. By that order the petitioner-husband is directed to pay Rs.3,000/- per month to the respondent-wife towards the maintenance allowance since the date of presentation of the petition. The order came to be passed exparte. After arguing this matter for sometime the learned counsel appearing for the parties, on instructions from the client, fairly stated that I need not record the reasons and the parties will be satisfied by the order

that was suggested in the course of arguments and dispose of the petition. Hence I pass the following order:

(i) The impugned judgment and order dated 7.6.2005 is quashed and set aside and the application under section 125 of the Code bearing No.E-196 of 2005 stands restored to file.

(ii) The petitioner shall deposit 50% of the entire arrears as per the order dated 7.6.2005 within four weeks from today and remaining 50% within four weeks therefrom and keep depositing Rs.3,000/- in the Family Court every month till disposal of petition No.E-196 of 2005.

(iii) The respondent-wife shall have a liberty to withdraw the amount at the rate of Rs.2,000/- per month unconditionally. The balance amount shall remain deposited in the court.

(iv) The Family Court shall decide Petition No.E-196 of 2005 as expeditiously as possible and preferrably within a period of six months from the date of receipt of this order. While disposing of the petition, the Family Court shall also pass appropriate order in respect of the balance deposit made by the

petitioner in the Court.

(v) Liberty to the respondent to withdraw the amount deposited in this Court as per the order dated 21.2.2006 passed in this petition.

. The writ petition is disposed of. Needless to express that in view of disposal of the writ petition in the aforesaid terms, the arrest warrant stands cancelled.

(D.B.Bhosale, J.)